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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,672	10/17/2003	Takeya Sakai	Q78001	8267
23373	7590	03/21/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGUYEN, THANH NHAN P	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

★

Office Action Summary	Application No. 10/686,672	Applicant(s) SAKAI ET AL.	
	Examiner (Nancy) Thanh-Nhan P. Nguyen	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6 and 7 is/are pending in the application.
 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment provided by Examiner</u> |

DETAILED ACTION

This communication is responsive to Amendment dated 1/6/2006.

Claims 6 & 7 are newly added. Claims 1, 6, 7 are for the examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mori (U.S. 5,559,618).

Regarding claim 1, Mori discloses in figure 2 and in the abstract a retardation film having a birefringence, wherein when a first biaxial index ellipsoid having primary refractive indexes n_x , n_y and n_z is assumed, [corresponding n_x , n_y^2 , n_z^2], where the primary refractive indexes n_x , n_y and n_z in X, Y, and Z axis directions, respectively, [corresponding n_x , n_y^2 and n_z^2 direction], satisfy a relationship of $n_x \neq n_y \neq n_z$, [since the magnitude of n_x , n_y and n_z after rotating around the n_x axis satisfies $n_x > n_z > n_y$, the magnitude of n_x , n_y^2 and n_z^2 before rotating around the X axis would satisfy $n_x > n_z^2 > n_y^2$], X axis and Y axis being parallel to a film surface and a Z axis being normal to the film surface, the retardation film has primary refractive indexes n_x' , n_y' and n_z' , [corresponding n_x , n_y and n_z], of a second biaxial index ellipsoid which is obtained by rotating the first biaxial ellipsoid at an arbitrary rotational angle θ_1° , [corresponding the

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angle θ], about the X axis as an axis of rotation and then at an arbitrary rotational angle θ_2° , [where the angle θ_2° is 0° or 360° in fig. 2] about the Y axis as an axis of rotation.

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6 & 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Mi et al (U.S. 2003/0193635).

Regarding claims 6 & 7, Mi et al discloses in fig. 3C a retardation film having a birefringence, wherein when a first biaxial index ellipsoid having primary refractive indexes n_x , n_y and n_z is assumed, [corresponding n_{x0} , n_{y0} , n_{z0}], where the primary refractive indexes n_x , n_y and n_z in X, Y, and Z axis directions, respectively, [corresponding n_{x0} , n_{y0} and n_{z0} direction], satisfy a relationship of $n_x \neq n_y \neq n_z$, X axis and Y axis being parallel to a film surface and a Z axis being normal to the film surface, the retardation film has primary refractive indexes n_x' , n_y' and n_z' , [see attachment provided by Examiner], of a second biaxial index ellipsoid which is obtained by rotating the first biaxial ellipsoid at an arbitrary rotational angle θ_1° , [where the angle θ_1° is 90° , see attachment provided by Examiner], about the X axis as an axis of rotation and then at an arbitrary rotational angle θ_2° , [where the angle θ_2° is 90° , see attachment provided by Examiner] about the Y axis as an axis of rotation.

Response to Arguments

1. Applicant's arguments filed 1/6/2006 have been fully considered but they are not persuasive.

Applicant's argument: On the Remarks, page 6, lines 1-9, "the Examiner asserts that Fig. 2 of Mori teaches the claimed invention if the arbitrary rotational angle $\theta 2^\circ$ is 0° or 360° ... the Examiner's interpretation is unreasonable. The Examiner's interpretation to include an arbitrary angle of 0° or 360° would render the recitation of an arbitrary rotational angle $\theta 2^\circ$ about the Y axis as an axis of rotation meaningless, and is therefore not a reasonable interpretation of claim 1."

Examiner's answer: As in claim 1, angle $\theta 2^\circ$ is an arbitrary rotational angle about Y axis as an axis of rotation. There is no further limitation defined whether or not angle $\theta 2^\circ$ could not be 0° or 360° . Therefore, rotating about 0° or 360° rotation about Y axis is very reasonable.

2. Applicant's arguments with respect to claims 6 & 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Nancy) Thanh-Nhan P. Nguyen whose telephone number is 571-272-1673. The examiner can normally be reached on M-F/9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


(Nancy) Thanh-Nhan P. Nguyen

Examiner

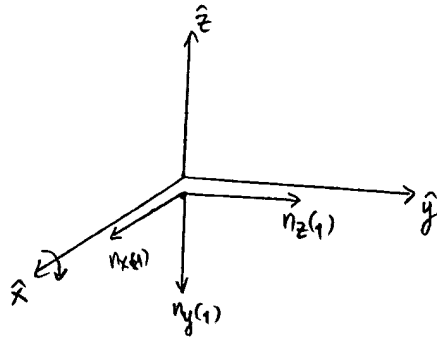
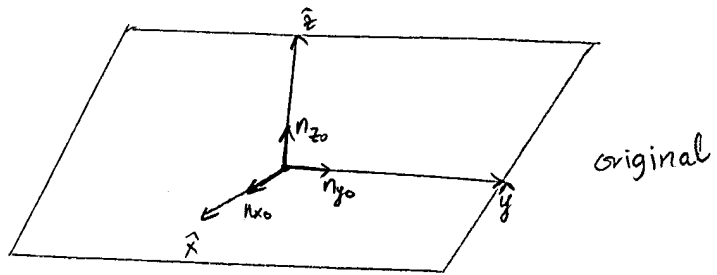
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-- March 16, 2006 --

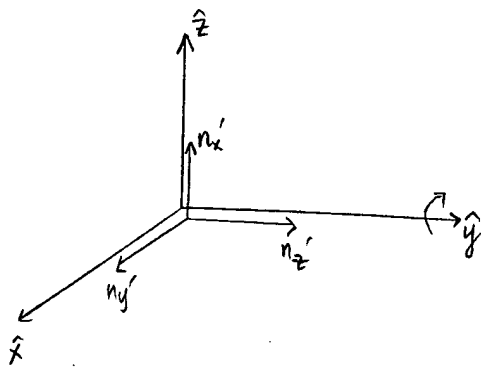
TN


ANDREW SCHECHTER
PRIMARY EXAMINER

Attachment provided by Examiner for 10/C86,672 :



90° rotation about \hat{x}



then 90° rotation about \hat{y}